

Proposition 8 Battle Heats Up as Supreme Court Hearings Loom

Defenders of California's constitutional amendment protecting marriage filed a reply brief with the U.S. Supreme Court Tuesday that concisely answers the arguments of those attacking the amendment. The brief is the final one that will be filed before oral arguments scheduled for March 26 in *Hollingsworth v. Perry*.

The brief explains why the U.S. Supreme Court should affirm the marriage amendment's constitutionality and refuse demands for a judicially imposed end to the robust, ongoing public debate about **marriage**.

"The union between one man and one woman—marriage—is timeless, universal and special," said Senior Counsel Austin R. Nimocks. "Protecting marriage is society's time-tested way to bless as many children as possible with both a mom and a dad. The wisest course is for the court to resist demands to prematurely end the national debate over the future of marriage. Advocates for **redefining marriage** should not be allowed to sidestep the democratic process to accomplish their political objectives."

Alliance Defending Freedom attorneys are part of the legal team defending the California marriage amendment on behalf of , the banner organization for the official proponents and campaign committee of **Proposition 8**.

The brief states: "The truth is that Plaintiffs' genderless, adult-centered understanding of marriage is a recent academic invention; it can trace its pedigree back no farther than the

modern movement to redefine marriage to include same-sex couples.”

It continues: “And because it deliberately severs the abiding connection between marriage and the unique procreative potential of male-female unions, Plaintiffs’ conception of marriage can offer no explanation whatever for why the institution is a ubiquitous, cross-cultural feature of the human experience, nor why it is, as [the Supreme] Court has consistently emphasized, ‘fundamental to our very existence and survival.’

“When one turns from the trees to the forest, the strained nature of Plaintiffs’ constitutional claim comes fully into view,” the brief explains. “Plaintiffs believe that for California to rationally maintain the traditional definition of marriage it must (1) prohibit opposite-sex couples who are infertile or unwilling to procreate from marrying; (2) prohibit same-sex couples from raising children; and (3) repeal its domestic partnership laws. Our Constitution does not compel so high a price simply for preserving marriage as it has always existed.